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LDEQ/OSEC/LARD
REGULATION DEVELOPMENT SECTION

THE ADVERTISER

221 JEFFERSON STREET
LAFAYETTE, LA 70501

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FAX: (337) 289-6466

AFFIDAVIT OF PUBLICATION

Remender D. Weatherspoon
Department of Environmental Quality
OEA/EPD/Regulation Development
P. O. Box 4314
Baton Rouge, LA 70821-4314

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I, ROSE PENFOLD, do solemnly swear that I am the LEGAL CLERK of THE ADVERTISER,
a newspaper printed and published at Lafayette, in the Parish of Lafayette, State of Louisiana, and
that from my personal knowledge and reference to the files of said publication, the advertisement of

NOTICE OF INTENT

Department of Environmental Quality
Office of Environmental Assessment

Nonattainment New Source Review; Prevention of Significant Deterioration
(LAC 33:III.504 and 509) (AQ246F)

was published in **THE ADVERTISER** on the following dates:

***Wednesday, June 15, 2005**

Rose Penfold

ROSE PENFOLD
Legal Clerk

Sworn to and subscribed before me this 15 day of June, 2005.

Christa Vazey

NOTARY PUBLIC 10#58555

Department of
 Environmental Quality
 Office of
 Environmental
 Assessment

Nonattainment New
 Source Review;
 Prevention of
 Significant
 Deterioration
 LAC 33:111.504 and
 509 (AQ246F)

Under the authority
 of the Environmental
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 2001 et seq., and in
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 provisions of the Ad-
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 seq., the secretary
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 under the State Imple-
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 Evans Road, Building
 4, Suite 420, New Or-
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 Wilbert F. Jordan, Jr.
 Assistant Secretary

CAPITAL CITY PRESS

Publisher of
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JUL 07 2005

LDEQ/OSEC/LARD
REGULATION DEVELOPMENT SECTION

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PROOF OF PUBLICATION

The hereto attached notice was published in THE ADVOCATE, a daily newspaper of general circulation published in Baton Rouge, Louisiana, and the official Journal of the State of Louisiana, the City of Baton Rouge, and the Parish of East Baton Rouge, in the following issues:

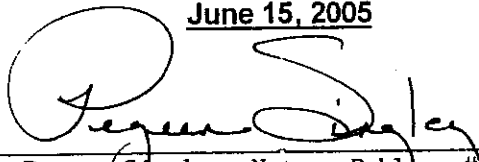
06/15/05



Susan A. Bush, Public Notices Clerk

Sworn and subscribed before me by the person whose signature appears above:

June 15, 2005



Pegreen Singley, Notary Public, #66565
My Commission Expires: Indefinite
Baton Rouge, Louisiana

3098218

DEQ - REGULATION

PO BOX 4314
BATON ROUGE

LA 70821-4314

A public hearing will be held on July 26, 2005, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room, 502 N. Fifth Street, Baton Rouge, LA 70802. The hearing will also be for the revision to the State Implementation Plan (SIP) to incorporate this proposed rule. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Judith A. Schuerman, Ph.D., at the address given below or at (225) 219-3550. Free parking is available across the street in the Galvez parking garage when the parking ticket is validated by department personnel at the hearing.

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by AQ246F. Such comments must be received no later than August 2, 2005, at 4:30 p.m., and should be sent to Judith A. Schuerman, Ph.D., Office of the Secretary, Legal Affairs and Regulation Development Division, Box 4302, Baton Rouge, LA 70821-4302 or to fax (225) 219-3582 or by e-mail to judith.schuerman@la.gov. Copies of this proposed regulation can be purchased by contacting the DEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of AQ246F. This regulation is available on the Internet at www.deq.louisiana.gov under Rules and Regulations.

This proposed regulation is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 1823 Highway 546, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadowall Street, Lake Charles, LA 70601; 201 Evans Road, Building 4, Suite 420, New Orleans, LA 70123; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374.

Wilbert F. Jordan, Jr.
Assistant Secretary
3098218-jun 15-11

NOTICE OF INTENT

Department of Environmental Quality
Office of Environmental Assessment
Nonattainment New Source Review, Prevention of Significant Deterioration (LAC 33:III.504 and 509) (AQ246F)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Air regulations, LAC 33:III.504 and 509 (Log #AQ246F).

On December 31, 2002, the United States Environmental Protection Agency published a final New Source Review (NSR) rule revising the regulations that implement the Prevention of Significant Deterioration

(PSD) and Nonattainment New Source Review (NNSR) provisions of the Clean Air Act. To be approvable under the State Implementation Plan (SIP), states implementing Part C (PSD) permit program in §51.166 or Part D (nonattainment NSR) permit program in §51.165, must include EPA's December 31, 2002, changes as minimum program elements. States must adopt and submit revisions to their Part 51 permitting programs implementing these minimum program elements no later than January 2, 2006 (67 FR 80240). This rule is also being proposed as a revision to the Louisiana State Implementation Plan for air quality.

EPA's NSR revisions (hereinafter Federal NSR Reform rule) include five major elements:

- Baseline Emissions—changes the method for determining the source's emissions before a change is made (the baseline against which emissions increases are measured);
- Applicability Test—changes the method for estimating the emissions after the change;
- Clean Unit Exclusion—regards increases from emissions units that have installed controls within the last 10 years;
- Pollution Control Project Exclusion—exempts certain projects that will cause a significant increase in emissions of one pollutant, but reduce emissions of another pollutant; and
- Plantwide Applicability Limits—allows facilities to establish a cap on emissions and trade increases and decreases under the cap, without installing controls on new or modified emissions units.

The basis and rationale for this proposed rule are to adopt the Federal NSR Reform rule as mandated by the U.S. EPA.

This proposed rule meets an exception listed in R.S. 30:2019 (D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required. This proposed rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

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JUN 21 2005

LDEQ/OSEC/LARD
REGULATION DEVELOPMENT SECTION

AFFIDAVIT OF PUBLICATION

(A Correct Copy of Publication)

NOTICE OF INTENT

Department of
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Nonattainment New
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of Significant Deterioration
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Regulations.

I, Linda Ward, Call Center Supervisor

of THE TOWN TALK, published at Alexandria,

Louisiana do solemnly swear that the

Legal Notice

advertisement, as per clipping attached, was

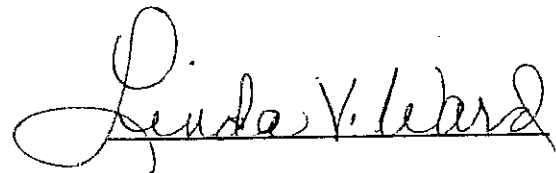
published in the regular and entire issue of said

newspaper, and not in any supplement thereof

for one insertions commencing with the issue

dated June 15, 2005 and ending with the

issue dated June 15, 2005.



Subscribed and sworn to before me

this 15th day of June, 2005

Notary Number 019888

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is available for inspection
at the following DEQ office
locations from 8 a.m. until
4:30 p.m.: 602 N. Fifth
Street, Baton Rouge, LA
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WILBERT F. JORDAN,
JR.
Assistant Secretary

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LDEQ/OSEC/LARD
REGULATION DEVELOPMENT SECTION

Affidavit of Publication

STATE OF LOUISIANA
Parish of Calcasieu

Before me the undersigned authority, personally came and appeared

Cadi Dickson
who being duly sworn, deposes and says:

He/She is a duly authorized agent of
LAKE CHARLES AMERICAN PRESS
a newspaper published daily at 4900 Highway 90 East,
Lake Charles, Louisiana, 70615. (Mail address: P.O. Box 2893
Lake Charles, LA 70602)

The attached Notice was published in said newspaper in its issue(s)
dated:

00174376 - \$51.00

June 15, 2005

00053262
LA. DEQ
OEA/EPD/REGULATION
DEVELOPMENT
REMENDER WEATHERSPOON
P.O. BOX 4314

Cadi Dickson
Duly Authorized Agent

Subscribed and sworn to before me on this 15th day of June, 2005 at
Lake Charles, LA

00053262
LA. DEQ

Notary Public

Gwendolyn R. Dugas
#056523

NOTICE OF INTENT
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Wilbert F. Jordan, Jr.
Assistant Secretary
June 15
00174376

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LDEQ/OSEC/LARD
REGULATION DEVELOPMENT SECTION

Publisher of

THE NEWS-STAR
MONROE, LOUISIANA
PROOF OF PUBLICATION

The hereto attached advertisement
Was published in the NEWS-STAR.
A daily newspaper of general circulation.
Published in Monroe, Louisiana.
Parish of Ouachita in the issues of:

June 15, 2005

Angela Stuart

LEGAL AD DEPT.

Sworn and subscribed before me by

The person whose signature appears above in Monroe, LA on this

18th day of June 20 QS AD

[Signature]

NOTARY PUBLIC

Pollution Control Project Exclusion—exempts certain projects that will cause a significant increase in emissions of one pollutant, but reduce emissions of another pollutant; and

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Assistant Secretary

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Office of Environmental Assessment

Nonattainment New Source Review; Prevention of Significant Deterioration (LAC 33:III.504 and 509) (AQ246F)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Air regulations, LAC 33:III.504 and 509 (Log #AQ246F).

On December 31, 2002, the United States Environmental Protection Agency published a final New Source Review (NSR) rule revising the regulations that implement the Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NNSR) provisions of the Clean Air Act. To be approvable under the State Implementation Plan (SIP), states implementing Part C (PSD permit program in §51.166) or Part D (nonattainment NSR permit program in §51.165) must include EPA's December 31, 2002, changes as minimum program elements. States must adopt and submit revisions to their Part 51 permitting programs implementing these minimum program elements no later than January 2, 2006 (67 FR 80240). This rule is also being proposed as a revision to the Louisiana State Implementation Plan for air quality.

EPA's NSR revisions (hereinafter Federal NSR Reform rule) include five major elements:
Baseline Emissions-changes the method for determining the source's emissions before a change is made (the baseline against which emissions increases are measured);
Applicability Test-changes the method for estimating the emissions after the change;
Clean Unit Exclusion-disregards increases from emissions units that have installed controls within the last 10 years;
Pollution Control Project Exclusion-exempts certain projects that will cause a significant increase in emissions of one pollutant, but reduce emissions of another pollutant; and
Plantwide Applicability Limits-allows facilities to establish a cap on emissions and trade increases and decreases under the cap, without installing controls on new or modified emissions units.

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The Times

PROOF OF PUBLICATION

RECEIVED

JUN 21 2005

LDEQ/DSEC/LARD
REGULATION DEVELOPMENT SECTION

00000

STATE OF LOUISIANA
PARISH OF CADDO

Before me, the undersigned authority, personally came and appeared

Altheas Critton, personally known to me,

Who being duly sworn, deposes and says that she is the Assistant to the Classified Advertising Manager of The Times, and that the attached Advertisement entitled:

NOTICE OF INTENT Department of Environmental
Quality Office of Environmental Assessment Nonattainment New
Source Review; Prevention of Significant Deterioration (AQ246F)

June 14, 2005

(Signed) Altheas Critton

Sworn to and subscribed before me this 14th day of June, 2005

Diana W. Barber
(Notary)

DIANA W. BARBER, NOTARY PUBLIC # 60491
CADDO PARISH, LOUISIANA
MY COMMISSION IS FOR LIFE



The basis and rationale for this proposed rule are to adopt the Federal NSR Reform rule as mandated by the U.S. EPA.

This proposed rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required. This proposed rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

A public hearing will be held on July 26, 2005, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room, 602 N. Fifth Street, Baton Rouge, LA 70802. The hearing will also be for the revision to the State Implementation Plan (SIP) to incorporate this proposed rule. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Judith A. Schuerman, Ph.D., at the address given below or at (225) 219-3550. Free parking is available across the street in the Galvez parking garage when the parking ticket is validated by department personnel at the hearing.

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by AQ246F. Such comments must be received no later than August 2, 2005, at 4:30 p.m., and should be sent to Judith A. Schuerman, Ph.D., Office of the Secretary, Legal Affairs and Regulation Development Division, Box 4302, Baton Rouge, LA 70821-4302 or to FAX (225) 219-3582 or by e-mail to judith.schuerman@la.gov. Copies of this proposed regulation can be purchased by contacting the DEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of AQ246F. This regulation is available on the Internet at www.deq.louisiana.gov under Rules and Regulations.

This proposed regulation is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 1823 Highway 546, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 201 Evans Road, Building 4, Suite 420, New Orleans, LA 70123; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374.
Wilbert F. Jordan, Jr.
Assistant Secretary
The Times
June 14, 2005

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JUN 21 2005

The Times-Picayune

LDEQ/OSEC/LARD
REGULATION DEVELOPMENT SECTION

3800 HOWARD AVENUE, NEW ORLEANS, LOUISIANA 70140-1097

TELEPHONE (504) 826-3206

NOTICE OF INTENT

Department of
Environmental Quality
Office of Environmental
Assessment

Nonattainment New Source
Review; Prevention of
Significant Deterioration
(LAC 33:III.504 and 509)
(AQ246F)

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Gadwall Street, Lake Charles,
LA 70515; 201 Evans Road,
Bossier City, LA 70021; 111 New
Center Drive, Lafayette, LA
70508; 110 Barataria Street,
Lockport, LA 70374.

Wilbert F. Jordan, Jr.
Assistant Secretary

State of Louisiana

Parish of Orleans

City of New Orleans

Personally appeared before me, a Notary in and for the
parish of Orleans, Robert J. Chiasson who deposes and
says that he is the Accounts Receivable Manager, of The
Times-Picayune Publishing Corporation, a Louisiana
Corporation, Publishers of The Times-Picayune, Daily and
Sunday, of general circulation; doing business in the City
of New Orleans and the State of Louisiana, and that the
attached **LEGAL NOTICE**

RE: Notice of Intent Nonattainment New Source Review;
Prevention of Significant Deterioration AQ246F

Advertisement of Dept. Of Environmental Quality

P.O. BOX 4314
Baton Rouge, La. 70821-4313

Was published in The Times Picayune

On the following dates June 15, 2005

Sworn to and subscribed before me this
16th Day of June, 2005

Notary Public

My commission expires at my death.

Charles A. Ferguson, Jr.

Notary identification number 23492

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Acadiana's Daily Newspaper

THE ADVERTISER

RECEIVED

JUN 21 2005

LDEQ/OSEC/LARD
REGULATION/DEVELOPMENT SECTION

221 JEFFERSON STREET
LAFAYETTE, LA 70501

PHONE: (337) 289-6300
FAX: (337) 289-6466

AFFIDAVIT OF PUBLICATION

Remender D. Weatherspoon
Department of Environmental Quality
OEA/EPD/Regulation Development
P. O. Box 4314
Baton Rouge, LA 70821-4314

Account No.: LDEQRD
Ad Number: 07531110
Ad Total: \$115.00
Ad Inches: 20
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**To insure proper credit please refer to your account number
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P.O. Box 3268, Lafayette, LA 70502-3268

I, ROSE PENFOLD, do solemnly swear that I am the LEGAL CLERK of THE ADVERTISER,
a newspaper printed and published at Lafayette, in the Parish of Lafayette, State of Louisiana, and
that from my personal knowledge and reference to the files of said publication, the advertisement of

NOTICE OF INTENT
Department of Environmental Quality
Office of Environmental Assessment
Nonattainment New Source Review; Prevention of Significant Deterioration -
Louisiana Revisions
(LAC 33:III.504 and 509) (AQ246L)

was published in **THE ADVERTISER** on the following dates:

*Wednesday, June 15, 2005


ROSE PENFOLD
Legal Clerk

Sworn to and subscribed before me this 15 day of June, 2005.


NOTARY PUBLIC

07531110
NOTICE OF INTENT

Department of
Environmental Quality
Office of
Environmental
Assessment

Nonattainment New
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Prevention of Signifi-
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(LAC 33:111.504 and
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The department's
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rule. This rule,
AQ246L, includes Loui-
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forward by the depart-
ment. These revisions
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posed rule AQ246F.
According to the Ad-
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dure Act (R.S.
49:953(F)(1)), the de-
partment is required to
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proposed rule that is
identical to a federal
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Louisiana's rule adds
consequences for un-
derestimation of pro-
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sions. For projects
originally determined
not to result in a sig-
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increase, if an owner
or operator subse-
quently reevaluates
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that a project has re-
sulted or will now re-
sult in a significant net
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tive authority limit the
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Wilbert F. Jordan, Jr.
Assistant Secretary



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JUL 07 2005

LDEQ/OSEC/LARD
REGULATION DEVELOPMENT SECTION

CAPITAL CITY PRESS

Publisher of
THE ADVOCATE

PROOF OF
PUBLICATION

The hereto attached notice was published in THE ADVOCATE, a daily newspaper of general circulation published in Baton Rouge, Louisiana, and the Official Journal of the State of Louisiana, City of Baton Rouge, and Parish of East Baton Rouge, in the following issues:

JUNE 15, 2005

Susan A. Bush, Public Notices Clerk

Sworn and subscribed before me
by the person whose signature
appears above in
Baton Rouge, Louisiana, on

JUNE 15, 2005

Pegeen Singley, Notary Public, #66565
My Commission Expires: Indefinite

DEQ - REGULATION

**PO BOX 4314
BATON ROUGE, LA 70821-4314**

3098221

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Nonattainment New Source
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Louisiana's rule adds consequences for underestimation of projected actual emissions. For projects originally determined not to result in a significant net emissions increase, if an owner or operator subsequently reevaluates projected actual emissions and determines that a project has resulted or will now result in a significant net emissions increase, the owner or operator must either request that the administrative authority limit the potential to emit of the affected emissions units as appropriate via federally enforceable conditions such that a significant net emissions increase will no longer result, or submit a revised PSD application within 180 days. Louisiana's rule eliminates "malfunctions" from the definitions of "baseline actual emissions" and "projected actual emissions." For purposes of this regulation, emissions that are permitted (or otherwise authorized (e.g., by a variance)) are not to be considered malfunctions. Louisiana's rule omits the exclusions for temporary and permanent clean coal technology demonstration projects and for the reactivation of a very clean coal-fired electric utility steam generating unit. Also, non-substantive wording and/or structural changes are made to update the regulations and improve readability (e.g., alphabetized definitions). The basis and rationale for this proposed rule are to adopt the Federal NSR Reform rule as mandated by the U.S. EPA and include revisions put forward by the department.

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(A Correct Copy of Publication)

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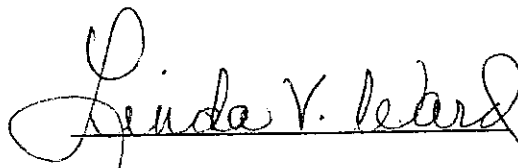
I, Linda Ward, Call Center Supervisor

of THE TOWN TALK, published at Alexandria,

Louisiana do solemnly swear that the

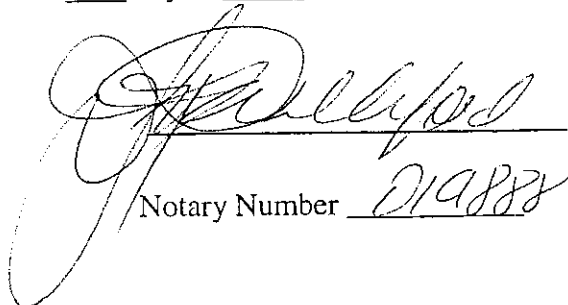
Legal Notice

advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof for one insertions commencing with the issue dated June 15, 2005 and ending with the issue dated June 15, 2005.



Subscribed and sworn to before me

this 15th day of June, 2005



Notary Number 019888

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by AQ246L. Such comments must be received no later than August 2, 2005, at 4:30 p.m. and should be sent to Judith A. Schuerman, Ph.D., Office of the Secretary, Legal Affairs and Regulation Development Division, Box 4302, Baton Rouge, LA 70821-4302 or to FAX (225) 219-3582 or by e-mail to judith.schuerman@la.gov. Copies of this proposed regulation can be purchased by contacting the DEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of AQ246L. This regulation is available on the Internet at www.deq.louisiana.gov under Rules and Regulations.

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WILBERT F. JORDAN, JR.
Assistant Secretary

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JUN 30 2005

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NOTICE OF INTENT

Department of Environmental
Quality
Office of Environmental
Assessment

Nonattainment New Source
Review; Prevention of Significant
Deterioration - Louisiana
Revisions
(LAC 33:111.504 and 509)
(AQ246L)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Air regulations, LAC 33:111.504 and 509 (Log #AQ246L).

On December 31, 2002, the United States Environmental Protection Agency published a final New Source Review (NSR) rule revising the regulations that implement the Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NNSR) provisions of the Clean Air Act. To be approvable under the State Implementation Plan (SIP), states implementing Part C (PSD permit program in §51.166) or Part D (nonattainment NSR permit program in §51.165) must include EPA's December 31, 2002, changes as minimum program elements. States must adopt and submit revisions to their Part 51 permitting programs implementing these minimum program elements no later than January 2, 2006 (67 FR 80240). This rule is also being proposed as a revision to the Louisiana State Implementation Plan for air quality.

The department's proposed rule AQ246F adopts the federal rule. This rule, AQ246L, includes Louisiana revisions put forward by the department. These revisions supersede text in proposed rule AQ246F. According to the Administrative Procedure Act (R.S. 49:953(F)(1)), the department is required to propose a rule that differs from a federal rule separately from a proposed rule that is identical to a federal rule.

2/4/05
LDEQ/OSEC/LARD
REGULATION DEVELOPMENT SECTION
Publisher of

THE NEWS-STAR MONROE, LOUISIANA PROOF OF PUBLICATION

The hereto attached advertisement
Was published in the NEWS-STAR.
A daily newspaper of general circulation.
Published in Monroe, Louisiana.
Parish of Ouachita in the issues of:

June 15, 2005

Angela Stuart

LEGAL AD DEPT.

Sworn and subscribed before me by

The person whose signature appears above in Monroe, LA on this

18th day of June 20 05 AD

St 12
NOTARY PUBLIC

Louisiana's rule adds consequences for underestimation of projected actual emissions. For projects originally determined not to result in a significant net emissions increase, if an owner or operator subsequently reevaluates projected actual emissions and determines that a project has resulted or will now result in a significant net emissions increase, the owner or operator must either request that the administrative authority limit the potential to emit of the affected emissions units as appropriate via federally enforceable conditions such that a significant net emissions increase will no longer result, or submit a revised PSD application within 180 days. Louisiana's rule eliminates "malfunctions" from the definitions of "baseline actual emissions" and "projected actual emissions." For purposes of this regulation, emissions that are permitted or otherwise authorized (e.g., by a variance) are not to be considered malfunctions. Louisiana's rule omits the exclusions for temporary and permanent clean coal technology demonstration projects and for the reactivation of a very clean coal-fired electric utility steam generating unit. Also, non-substantive wording and/or structural changes are made to update the regulations and improve readability (e.g., alphabetized definitions). The basis and rationale for this proposed rule are to adopt the Federal NSR Reform rule as mandated by the U.S. EPA and include revisions put forward by the department.

This proposed rule meets an exception listed in R.S. 80:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required. This proposed rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

A public hearing will be held on July 26, 2005, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room, 802 N. Fifth Street, Baton Rouge, LA 70802. The hearing will also be for the revision to the State Implementation Plan (SIP) to incorporate this proposed rule. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Judith A. Schuerman, Ph.D., at the address given below or at (225) 219-3550. Free parking is available across the street in the Galvez parking garage when the parking ticket is validated by department personnel at the hearing.

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by AQ246L. Such comments must be received no later than August 2, 2005, at 4:30 p.m., and should be sent to Judith A. Schuerman, Ph.D., Office of the Secretary, Legal Affairs and Regulation Development Division, Box 4302, Baton Rouge, LA 70821-4302 or to fax (225) 219-3582 or by e-mail to jdschuerman@la.gov. Copies of this proposed regulation can be purchased by contacting the DEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of AQ246L. This regulation is available on the internet at www.deq.louisiana.gov under Rules and Regulations.

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Wilbert F. Jordan, Jr.
Assistant Secretary

Monroe, LA
June 15, 2005

NOTICE OF INTENT

Department of Environmental Quality
Office of Environmental Assessment

Nonattainment New Source Review; Prevention of Significant Deterioration - Louisiana Revisions (LAC 33:III.504 and 509) (AQ246L)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Air regulations, LAC 33:III.504 and 509 (Log #AQ246L).

On December 31, 2002, the United States Environmental Protection Agency published a final New Source Review (NSR) rule revising the regulations that implement the Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NNSR) provisions of the Clean Air Act. To be approvable under the State Implementation Plan (SIP), states implementing Part C (PSD permit program in §51.166) or Part D (nonattainment NSR permit program in §51.165) must include EPA's December 31, 2002, changes as minimum program elements. States must adopt and submit revisions to their Part 51 permitting programs implementing these minimum program elements no later than January 2, 2006 (67 FR 80240). This rule is also being proposed as a revision to the Louisiana State Implementation Plan for air quality.

The department's proposed rule AQ246F adopts the federal rule. This rule, AQ246L, includes Louisiana revisions put forward by the department. These revisions supersede text in proposed rule AQ246F. According to the Administrative Procedure Act (R.S. 49:953(F)(1)), the department is required to propose a rule that differs from a federal rule separately from a proposed rule that is identical to a federal rule.

Louisiana's rule adds consequences for underestimation of projected actual emissions. For projects originally determined not to result in a significant net emissions increase, if an owner or operator subsequently reevaluates projected actual emissions and determines that a project has resulted or will now result in a significant net emissions increase, the owner or operator must

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7/2/05
The Times

PROOF OF PUBLICATION

RECEIVED

JUN 21 2005

LDEQ/OSEC/LARD
REGULATION DEVELOPMENT SECTION

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STATE OF LOUISIANA
PARISH OF CADDO

Before me, the undersigned authority, personally came and appeared

Altheas Critton,

personally known to me,

Who being duly sworn, deposes and says that she is the Assistant to the Classified Advertising Manager of The Times, and that the attached Advertisement entitled:

NOTICE OF INTENT Department of Environmental
Quality Office of Environmental Assessment Nonattainment New
Source Review; Prevention of Significant Deterioration - Louisiana
Revisions (AQ246L)

June 14, 2005

(Signed) Altheas Critton

Sworn to and subscribed before me this 14th day of June, 2005

Diana W. Barber
(Notary)

DIANA W. BARBER, NOTARY PUBLIC # 60491
CADDO PARISH, LOUISIANA
MY COMMISSION IS FOR LIFE



either request that the administrative authority limit the potential to emit of the affected emissions units as appropriate via federally enforceable conditions such that a significant net emissions increase will no longer result, or submit a revised PSD application within 180 days. Louisiana's rule eliminates "malfunctions" from the definitions of "baseline actual emissions" and "projected actual emissions." For purposes of this regulation, emissions that are permitted or otherwise authorized (e.g., by a variance) are not to be considered malfunctions. Louisiana's rule omits the exclusions for temporary and permanent clean coal technology demonstration projects and for the reactivation of a very clean coal-fired electric utility steam generating unit. Also, non-substantive wording and/or structural changes are made to update the regulations and improve readability (e.g., alphabetized definitions). The basis and rationale for this proposed rule are to adopt the Federal NSR Reform rule as mandated by the U.S. EPA and include revisions put forward by the department.

This proposed rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding a rule's environmental/health benefits and social/economic costs is required. This proposed rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

A public hearing will be held on July 26, 2005, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room, 602 N. Fifth Street, Baton Rouge, LA 70802. The hearing will also be for the revision to the State Implementation Plan (SIP) to incorporate this proposed rule. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Judith A. Schuerman, Ph.D., at the address given below or at (225) 219-3550. Free parking is available across the street in the Galvez parking garage when the parking ticket is validated by department personnel at the hearing.

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Wilbert F. Jordan, Jr.
Assistant Secretary
The Times
June 14, 2005

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The department's proposed rule AQ246F adopts the federal rule. This rule, AQ246L, includes Louisiana revisions put forward by the department. These revisions supersede text in proposed rule AQ246F. According to the Administrative Procedure Act (R.S. 49:953(F)(1)), the department is required to propose a rule that differs from a federal rule separately from a proposed rule that is identical to a federal rule.

Louisiana's rule adds consequences for underestimation of projected actual emissions. For projects originally determined not to result in a significant net emissions increase, if an owner or operator subsequently reevaluates projected actual emissions and determines that a project has resulted or will now result in a significant net emissions increase, the owner or operator must either request that the administrative authority limit the potential to emit of the affected emissions units as appropriate via federally enforceable conditions such that a significant net emissions increase will no longer result, or submit a revised PSD application within 180 days. Louisiana's rule eliminates "malfunctions" from the definitions of "baseline actual emissions" and "projected actual emissions."

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JUN 21 2005

LDEQ/OSEC/LARD
REGULATION DEVELOPMENT SECTION

Affidavit of Publication

STATE OF LOUISIANA

Parish of Calcasieu

Before me the undersigned authority, personally came and appeared

Cadi Dickson
who being duly sworn, deposes and says:

He/She is a duly authorized agent of

LAKE CHARLES AMERICAN PRESS

a newspaper published daily at 4900 Highway 90 East,

Lake Charles, Louisiana, 70615. (Mail address: P.O. Box 2893

Lake Charles, LA 70602)

The attached Notice was published in said newspaper in its issue(s) dated:

00174380 - \$61.00

June 15, 2005

00053262

LA. DEQ

OEA/EPD/REGULATION

DEVELOPMENT

REMENDER WEATHERSPOON

P.O. BOX 4314

Cadi Dickson
Duly Authorized Agent

Subscribed and sworn to before me on this 15th day of June, 2005 at
Lake Charles, LA

00053262

LA. DEQ

Gwendolyn R. Dugas
Notary Public

Gwendolyn R. Dugas
#056523

For purposes of this regulation, emissions that are permitted or otherwise authorized (e.g., by a variance) are not to be considered malfunctions. Louisiana's rule omits the exclusions for temporary and permanent clean coal technology demonstration projects and for the reactivation of a very clean coal-fired electric utility steam generating unit. Also, non-substantive wording and/or structural changes are made to update the regulations and improve readability (e.g., alphabetized definitions). The basis and rationale for this proposed rule are to adopt the Federal NSR Reform rule as mandated by the U.S. EPA and include revisions put forward by the department.

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Wilbert F. Jordan, Jr.
Assistant Secretary
June 15 11
00174380

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JUN 21 2005

The Times-Picayune

LDEQ/OSEC/LARD
REGULATION DEVELOPMENT SECTION

3800 HOWARD AVENUE, NEW ORLEANS, LOUISIANA 70140-1097

TELEPHONE (504) 826-3206

NOTICE OF INTENT

Department of
Environmental Quality
Office of Environmental
Assessment

Nonattainment New Source
Review; Prevention of
Significant
Deterioration - Louisiana
Revisions
(LAC 33:III.504 and 509)
(AQ246L)

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Wilbert F. Jordan, Jr.
Assistant Secretary

State of Louisiana

Parish of Orleans

City of New Orleans

Personally appeared before me, a Notary in and for the parish of Orleans, Robert J. Chiasson who deposes and says that he is the Accounts Receivable Manager, of The Times-Picayune Publishing Corporation, a Louisiana Corporation, Publishers of The Times-Picayune, Daily and Sunday, of general circulation; doing business in the City of New Orleans and the State of Louisiana, and that the attached LEAL NOTICE

RE: Notice of Intent Nonattainment New Source Review;
Prevention of Significant Deterioration AQ246L

Advertisement of Dept. Of Environmental Quality

P.O. BOX 4314
Baton Rouge, La. 70821-4313

Was published in The Times Picayune

On the following dates June 15, 2005

Sworn to and subscribed before me this
16th Day of June, 2005

Notary Public

My commission expires at my death.

Charles A. Ferguson, Jr.

Notary identification number 23492